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conservator of INDYMAC FEDERAL BANK,
8 F.S.B.

9

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 INDYMAC BANK, F.S.B.,

Case No. CV 07-1914 R (MANx)

13 Plaintiff,

[PROPOSED] REVISED
14 FINAL JUDGMENT

vs.

15 GENEVA MORTGAGE CORP.,

16 Defendant.

17
18 TO DEFENDANT GENEVA MORTGAGE CORP.:

19 This action came on for hearing on December 8, 2008, before
20 the Honorable Manuel L. Real, District Court Judge Presiding, on
21 a Motion for Partial Summary Judgment and a Motion to Compel the
22 Deposition of Keith Haffner and Request for Terminating and
23 Monetary Sanctions. The Court made the following Orders:

24 1. On December 30, 2008, the Court entered a Partial
25 Summary Judgment against defendant GENEVA MORTGAGE CORP.
26 ("GENEVA"). Pursuant to the Partial Summary Judgment, the Court
27 ruled that GENEVA breached the terms of the contract between
28 GENEVA and plaintiff FEDERAL DEPOSIT INSURANCE CORPORATION, as

1 conservator for INDYMAC FEDERAL BANK, F.S.B. ("INDYMAC") as it
 2 relates to the mortgage loans sold to INDYMAC and identified in
 3 INDYMAC's Motion for Partial Summary Judgment as the Archer I and
 4 II Loans, Clarke I and II Loans, Frasile Loan, Laluisa I and II
 5 Loans, Perez Loan, Pratt I and II Loans, Puckett Loan, Reyes
 6 Loan, Rivera I and II Loans. Partial Summary Judgment in the
 7 amount of **\$2,352,255.42** is awarded against GENEVA, plus interest,
 8 attorneys' fees and costs and that damages award would be
 9 included in the final judgment of the Court;

10 2. On December 30, 2008, the Court entered an Order for
 11 terminating sanctions against GENEVA pursuant to Federal Rule of
 12 Civil Procedure 37(d)(1)(A), struck GENEVA's Answer to the
 13 Complaint and entered GENEVA's default judgment;

14 3. On February 12, 2009, the Court approved and filed
 15 costs in favor of INDYMAC and against GENEVA in the amount of
 16 **\$955.90**; and

17 4. On March 2, 2009, the Court granted INDYMAC's
 18 Application for Attorneys' Fees and awarded INDYMAC reasonable
 19 attorneys' fees in the amount of **\$80,021.50** pursuant to Code of
 20 Civil Procedure §§ 1032 and 1033.5 and Civil Code § 1717.

21 As a result of the foregoing, the evidence presented having
 22 been fully considered, the issues having been duly heard and
 23 decisions having been duly rendered,

24 **IT IS HEREBY ORDERED AND DECREED** judgment is rendered in
 25 favor of the FEDERAL DEPOSIT INSURANCE CORPORATION, as
 26 conservator for INDYMAC FEDERAL BANK, F.S.B. and against GENEVA
 27 MORTGAGE CORP., in the amount of **\$2,352,255.42** plus interest,
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1 attorneys' fees in the amount of **\$80,021.50**, and costs in the
2 amount of **\$955.90**.

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4 Dated: March 9, 2009

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Manuel L. Real
Judge of the United States District
Court

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1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the County of Los Angeles, State of
4 California. I am over the age of eighteen years and not a
5 party to the within action; my business address is Thirty-
First Floor, 444 South Flower Street, Los Angeles,
California 90071-2901.

6 On March 6, 2009, I served the following document(s)
7 described as **[PROPOSED] REVISED FINAL JUDGMENT** on the
interested parties in this action by placing true copies
thereof enclosed in sealed envelopes addressed as follows:

8 Bob Bellar Defendant in Pro
9 Geneva Mortgage Corp. Per
10 100 North Centre Avenue
Rockville Centre, NY 11570
11 Telephone: (888) 338-3863

12
13
14 **BY CERTIFIED MAIL:** I am "readily familiar" with Anderson,
15 McPharlin & Conners' practice for collecting and processing
correspondence for mailing with the United States Postal
16 Service. Under that practice, it would be deposited with
the United States Postal Service that same day in the
17 ordinary course of business. Such envelope(s) were placed
for collection and mailing with postage thereon fully
18 prepaid at Los Angeles, California, on that same day
following ordinary business practices.

19 I declare under penalty of perjury under the laws of the
20 United States of America that the foregoing is true and
correct and that I am employed in the office of a member of
21 the bar of this Court at whose direction the service was
made. Executed on March 6, 2009, at Los Angeles,
22 California.

23
24

/s/
25 Sherry A. Plouff

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